

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-167-DCK**

KENNETH S. WILLIAMS,

Plaintiff,

v.

**BIMBO FOODS BAKERIES DISTRIBUTION,
INC. f/k/a GEORGE WESTON BAKERIES
DISTRIBUTION, INC.,**

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant's "Motion To Stay Third Party Subpoenas Pending Outcome Of A Hearing On Motion To Quash" (Document No. 29). The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of this motion is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will grant the motion.

On or about Monday, July 11, 2011, Plaintiff served seven third party subpoenas requiring the production of various documents at 10:00 a.m. on Monday, July 18, 2011, by the following companies: Stokesdale Bi-Lo, Inc., Food Lion, LLC, Delhaize America, LLC, Harris Teeter, Inc., Bi-Lo, LLC, BJ's Membership Club, Inc., and Lowe's Food Stores, Inc. (Document No. 28, p.2; Document No. 28-1, pp.2-29). On July 12, 2011, Defendant filed an "...Emergency Motion To Quash Third Party Subpoenas" (Document No. 28) requesting that these subpoenas be quashed and that further discovery in this action by Plaintiff be limited. On July 13, 2011, Defendant filed the instant "Motion To Stay Third Party Subpoenas..." (Document No. 29).

Under the circumstances, the undersigned finds that a STAY of the seven subpoenas

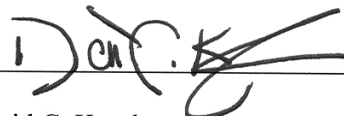
(Document No. 28-1) is appropriate until the Court is able to rule on the pending motion to quash those subpoenas.

IT IS, THEREFORE, ORDERED that Defendant's "Motion To Stay Third Party Subpoenas Pending Outcome Of A Hearing On Motion To Quash" (Document No. 29) is **GRANTED**. The above named companies are therefore **STAYED** from responding to the subpoenas in this matter until the Court rules otherwise.

IT IS FURTHER ORDERED that the briefing schedule regarding the pending "...Motion To Quash Third Party Subpoenas" (Document No. 28) is expedited as follows: Plaintiff shall file a response to the motion on or before **July 18, 2011 at 12:00 p.m.**, and Defendant shall file a brief in reply on or before **July 21, 2011 at 12:00 p.m.** The Court will determine at a later date whether or not to hold a hearing on the motion to quash.

SO ORDERED.

Signed: July 13, 2011



David C. Keesler
United States Magistrate Judge

